

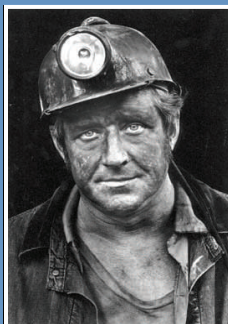
Fall 2006

A Tribute To The Coal Miners

When Coal Dust Turns to Gold

With buckets packed and
hard hats on,
They go to earn their pay.
Miners have a special
bond,
They live it every day.
All miners share the
burden,
When one has lost his life.
The coal mines never could
replace,
The kiss he gave his wife.
It's a special kind of job,
Only miners do.
No matter how far down
they go,
Angels go there too!
We miss the ones that God
called home,
and the jokes that they
have told.
The coal dust floors they
use to walk,
Now have turned to gold.
Deep in the earth,
across the land,
The miners did their best.
Their bodies go back in the
ground,
Their place of final rest.

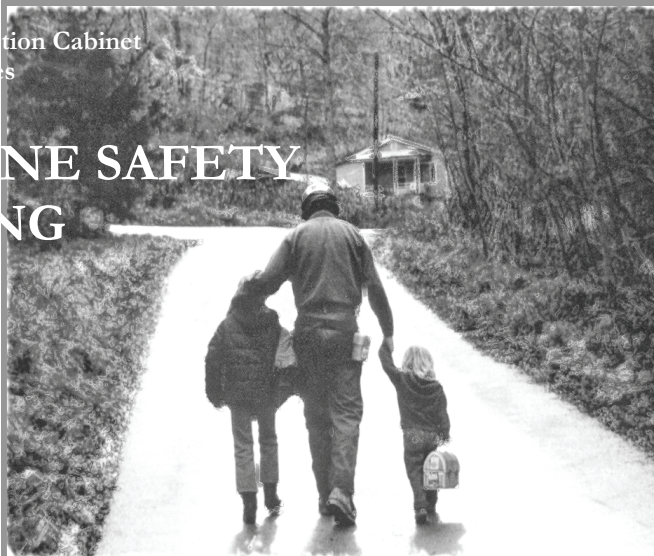
By Irving E. Rice



Environmental and Public Protection Cabinet
Department for Natural Resources

OFFICE OF MINE SAFETY AND LICENSING

QUARTERLY NEWS & REPORT



I believe all of us in the mining industry agree that 2006, has been a very difficult and disappointing year. Fourteen of our miners have lost their lives in Kentucky coal mines, the most since 1993 when there were 18 fatalities. Our neighbor, West Virginia, has experienced tragedy as well. On Jan. 2, a mine explosion at the Sago mine in West Virginia claimed the lives of 12 miners and on Jan. 19, a mine fire at the Aricoma mine killed another two. Then on May 20, five miners died in a mine explosion at the Kentucky Darby mine in Harlan.

This loss of life makes it difficult to enjoy the many achievements we have made in the Kentucky coalfields. While we certainly need to be proud of those achievements, we have serious issues that must be addressed by the industry as a whole.

During the last few months, our industry, partnering with legislators and the administration, has worked diligently to address these issues. Senate Bill 200 and House Bill 572 form the basis of new Kentucky mining legislation that promises to make the coal mine a safer place to work. The provisions became effective July 12, 2006.

Senate Bill 200 requires Kentucky underground mines to:

- Develop an Emergency Action Plan and train miners to follow this plan of action in the event of a mine emergency;
- Provide up-to-date escapeway maps and conduct escapeway drills;
- Provide lifelines with directional cords placed in the escapeways;
- Install dedicated two-way communication systems between the surface and specified areas underground;
- Comply with additional Self Contained Self Rescuer (SCSR) requirements;
- Report any serious accident or serious physical injury within 15 minutes of having access to a communications system. OMSL has developed a 24-hour call center for reporting these accidents.

Senate Bill 200 expands the responsibilities of the Department for Natural Resources (DNR) by:

- Authorizing the assessment of monetary penalties for violations of roof control and ventilation plans and actions that place miners in imminent danger;
- Requiring an additional regular inspection annually for all underground mines;
- Ensuring that miners who report unsafe conditions or cooperate with regulatory agencies in the course of investigations of unsafe mining practices/conditions or violations of mining statutes are protected from termination or other disciplinary action;
- Prohibiting the altering of an accident scene.

Highlights of House Bill 572:

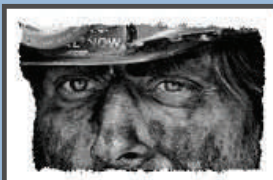
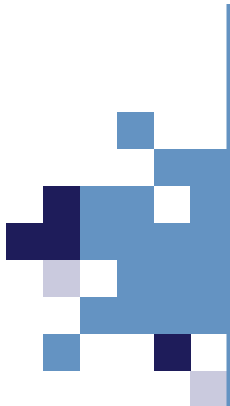
- Kentucky miners seeking new or additional miner certification must pass a drug and alcohol test;
- Kentucky miners who test positive or refuse to submit to a company random drug test must be reported to the OMSL.
- The commissioner of the DNR must suspend miners for any violation of their drug and alcohol-free status.
- Companies with a certified drug-free workplace program are eligible for a 5 percent credit on workers' compensation premiums.
- OMSL now has the authority to conduct post accident drug and alcohol testing in the event of a serious mine accident, serious physical injury or fatality.

In addition to these legislative measures to increase the safety of Kentucky coal mines, OMSL's Safety Analysis division will continue to work with individual coal miners and their first line supervisors to heighten safety awareness. These mine safety analysts observe each coal miner for unsafe work habits and work closely with them to identify practices that could result in injuries. OMSL analysts continue this one-on-one effort with the mine foreman and first line supervisors to help them correct safety-related issues *before* an accident can occur.

We must, as an industry, work together to ensure that every coal miner returns home safely each day.

Written by: Johnny Greene, Acting Executive Director
Office of Mine Safety and Licensing





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FATALITIES AND SERIOUS ACCIDENTS

April 1, 2006—Sept. 1, 2006

- Fatality—4-20-06—David C. Bolen—Tri Star Coal—Fall of Roof
- Fatality—4-21-06—Rick McKnight—Lone Mountain Coal Company Inc.—Machinery
- Serious—4-24-06—Kyle Spurlock—Powell Mountain Coal Company Inc.—Haulage
- Fatality—5-20-06—Amon Brock—Kentucky Darby LLC—Methane Explosion
- Fatality—5-20-06—Jimmy D. Lee—Kentucky Darby LLC—Methane Explosion
- Fatality—5-20-06—Roy Middleton—Kentucky Darby LLC—Methane Explosion
- Fatality—5-20-06—George W. Petra—Kentucky Darby LLC—Methane Explosion
- Fatality—5-20-06—Paris Thomas Jr.—Kentucky Darby LLC—Methane Explosion
- Fatality—5-23-06—Steven T. Bryant—Miller Brothers Coal LLC—Haulage (Truck)
- Serious—6-8-06—David Bartley—Excel Mining—Machinery
- Fatality—7-18-06—Jason Mosley—Hendrickson Equipment Inc.—Highwall Failure
- Fatality—7-20-06—John May, Jr.—Cam Mining LLC—Machinery
- Serious—7-25-06—Thad L. Hooper—Ken American Resources—Machinery

Fatality and Serious Accident
Information can be found at
www.oms1.ky.gov/safety.
For more detailed information,
click on Emergency Awareness
Bulletins (EAB's).

(Only minimal information can be published on the most recent
accidents because the accident reports have not been finalized.
Further information will be posted to the Web site at a later date.)

I would personally like to thank each and every mine rescue team member and others who helped in the Harlan District following the explosion at the Kentucky Darby Coal Mine.

I would especially like to thank Governor Fletcher and Commissioner Bush for being there for us and providing us with whatever we might have needed.

Ronnie Hampton
Supervisor
Harlan District
Office of Mine Safety and Licensing



Kentucky Darby Mine Surface Area

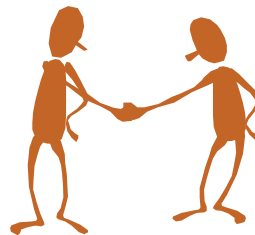
According to KRS 351.025(6), the Office of Mine Safety and Licensing will establish procedures to distribute quarterly reports to every licensed entity describing mine fatalities, serious mine accidents, and penalties imposed on certified and non certified personnel and licensed premises and to require the report to be distributed to every certified working miner employed by the licensed entity, posted at work sites, and reviewed at regular mine safety meetings.



OMSL Disciplinary Cases before the Kentucky Mine Safety Review Commission

Pending MSRC Cases

1. Michael Shane Miller v. OMSL, No. 06-MSRC-031 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by commission on Sept. 14, 2006. Mining Board declined to reinstate certifications. Certificates remain suspended.
2. Joshua D. Stidham v. OMSL, No. 06-MSRC-033 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by commission on Sept. 14, 2006. Mining Board agrees to reinstate certification pending substance abuse assessment. Once assessment is presented certifications will be reinstated with one year probation and drug testing every thirty (30) days.
3. Jeffery Mulkey v. OMSL, No. 06-MSRC-035 (Martin): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by the commission on Sept. 26, 2006. Mining Board reinstated certifications on Sept. 28, 2006, with one year probation and drug testing every 60 days.
4. Roger D. Russell v. OMSL, No. 06-MSRC-036 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by commission on Sept. 26, 2006. Mining Board reinstated certifications on Sept. 28, 2006, with one year probation and drug testing every 60 days.
5. Jackie S. Williams v. OMSL, No. 06-MSRC-037 (Martin): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Williams failed to appear at Sept. 26 commission meeting concerning settlement agreement. Hearing set for Oct. 12, 2006.
6. Marlin Williams v. OMSL, No. 06-MSRC-039 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by commission on Sept. 26, 2006. Mining Board reinstated certifications on Sept. 28, 2006, with one year probation and drug testing every 60 days, pending submission of drug test results. Negative test results submitted and certifications reinstated Sept. 29, 2006.
7. John H. Inman v. OMSL, No. 06-MSRC-041 (Harlan): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Inman failed to appear at commission meeting concerning settlement agreement due to hospitalization. Mining Board agreed on Sept. 28, 2006, to reinstate certifications with probation of one year and drug testing every 60 days, if accepted by commission on Oct. 12, 2006.
8. Ralph Hurley v. OMSL, No. 06-MSRC-042 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by commission on Sept. 14, 2006. Mining Board agreed to reinstate underground miner's certificate with one year probation, continue drug rehab program until completion and drug testing every 60 days. All other certifications remain suspended until completion of drug rehab program.
9. Danny R. Tackett v. OMSL, No. 06-MSRC-043 (Pikeville): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by the commission on Sept. 14, 2006. Mining Board agreed to reinstate certifications with one year probation and drug testing every 60 days, pending submission of drug test results. Negative drug test results submitted Oct. 2, 2006.
10. Anthony O. Davis v. OMSL, No. 06-MSRC-046 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by the commission on Sept. 26, 2006. Mining Board agreed to reinstate surface miner's certificate with one year probation and drug testing every 60 days. All other certifications remain suspended during probationary period and will be reinstated upon successful completion of probation.
11. Michael A. Clark v. OMSL, 06-MSRC-047 (Harlan): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by commission on Sept. 26, 2006. Mining Board agreed to reinstate certifications on Sept. 28, 2006, with one year probation and drug testing every 60 days.
12. Rodney D. Stalker v. OMSL, No. 06-MSRC-049 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by commission on Sept. 14, 2006. Mining Board agreed to reinstate certificates with one year probation and drug testing every 30 days, pending submission of drug abuse assessment.



OMSL Disciplinary Cases before the Kentucky Mine Safety Review Commission

Pending MSRC Cases—Continued

13. Christopher Stamper v. OMSL, No. 06-MSRC-053 (Madisonville): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by the commission on Sept. 26, 2006. Mining Board agreed to reinstate certificates with one year probation and drug testing every 30 days.
14. Wesley S. Griffie v. OMSL, No. 06-MSRC-044 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
15. Jonathan L. Stewart v. OMSL, No. 06-MSRC-045 (Harlan): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
16. Everett Lyons, Jr. v. OMSL, No. 06-MSRC-048 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
17. Ronnie Caldwell v. OMSL, No. 06-MSRC-050 (Harlan): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
18. Mike Beverly v. OMSL, No. 06-MSRC-052 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
19. Gary L. Pierce v. OMSL, No. 06-MSRC-054 (Madisonville): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
20. Jeremy D. Powell v. OMSL, No. 06-MSRC-055 (Madisonville): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
21. Christopher L. Brown v. OMSL, No. 06-MSRC-056 (Harlan): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
22. Matthew D. Fluty v. OMSL, No. 06-MSRC-057 (Pikeville): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
23. Christopher John Borders v. OMSL, No. 06-MSRC-058 (Martin): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
24. Bruce Strunk v. OMSL, No. 06-MSRC-059 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
25. Timothy N. Caudill v. OMSL, No. 06-MSRC-060 (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Hearing scheduled for Oct. 12, 2006.
26. OMSL v. Harold David Mosley, Jeffrey McGuire and Alvin Noble, No. 06-MSRC-032 (Martin): Complaint filed Aug. 21, 2006. Agency action against the defendants for violations including improper storage of explosive material, inadequate pre-shift exams, electrical violations, mechanical violations, roof support violations and excessive coal dust. **STATUS: ACTIVE** – Probable cause was determined by the commission on Sept. 14, 2006. Hearing scheduled for Nov. 9, 2006.
27. OMSL v. William Gillis Dixon, No. 06-MSRC-018 (Pikeville): Complaint filed July 25, 2006. This is a fatal accident case due to a roof fall. Three noncompliances were issued including damage to automated temporary roof support, failure to have temporary roof support within 500 feet of face as required in roof control plan and a certified mine foreman not being present when fatal accident occurred. **STATUS: ACTIVE** – Probable cause was determined by the commission on Aug. 10, 2006. Trial is set for Nov. 9, 2006.
28. OMSL v. Gary Wayne Bentley, No. 06-MSRC-017 (Harlan): Complaint filed July 17, 2006. This action was brought by OMSL requesting revocation of the defendant's MET, underground coal miner and shot firer-conventional certificates. Bentley was the MET at H&D Mining, LLC Mine No. 3 when David Morris Jr. was injured when he was pinned between the bucket of a ram car and the operator's compartment of the shuttle car. He subsequently died of his injuries. Bentley failed to follow appropriate standards of care in the management of Morris, failed to administer treatment in a responsible manner in accordance with his level of certification and failed to timely respond to an emergency, in violation of 805 KAR 7:080, Section 11. He also impeded the investigation by OMSL. **STATUS: ACTIVE** – The commission found probable cause on Aug. 10, 2006. Hearing is scheduled for Nov. 9, 2006.
29. OMSL vs. Danny J. Ratliff, William D. Luke and Robert J. Hurley, No. 06-MSRC-029 (Pikeville): Complaint filed Aug. 17, 2006. This action was brought by OMSL requesting revocation of all three defendants' underground mine foreman's certificates for one year and suspension of all of their remaining certificates for one year. All three were responsible for various violations of the Tri-Star Coal LLC's Mine No. 1's roof control plan that resulted in a roof fall that caused the death of David Chad Bolen. **STATUS: ACTIVE** – The commission found probable cause on Sept. 14, 2006. Hearing is scheduled for Nov. 9, 2006.

IMPORTANT NOTE:

A complete listing of all cases prosecuted by the Office of Mine Safety and Licensing will be available at www.oms.ky.gov in the coming weeks.

Final orders of the Mine Safety Review Commission, dated to 2002, can be found at www.ms.ky.gov.



Kentucky Mine Safety Review Commission

Pending MSRC Cases—Continued

30. Paul B. Holbrook v. OMSL, No. 06-MSRC-021: (Martin): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Holbrook's surface miner certificate was suspended. Settlement agreement approved by commission: One year probation with drug testing every 60 days if accepted by Mining Board. Mining Board declined to reinstate certifications. Holbrook remains suspended.
31. Russell D. Asher v. OMSL, No. 06-MSRC-024: (Harlan): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – A Response and Motion was entered by OMSL requesting settlement agreement between OMSL and Asher be entered into record. Commission approved settlement agreement on Aug.22, 2006. Mining Board reinstated certification with one year probation and drug testing every 60 days.
32. William M. Thacker v. OMSL, No. 06-MSRC-025: (Pikeville): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** –Settlement agreement approved by commission on Sept. 26, 2006. Mining Board approved reinstatement with one year probation and drug testing every 60 days, pending submission of clean drug test.
33. Glen Daniels v. OMSL, No. 06-MSRC-026: (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: ACTIVE** – Settlement agreement approved by commission on Sept. 12, 2006. Mining Board reinstated certification on Sept. 28, 2006, with one year probation and drug testing every 60 days.
34. Carl Combs, Jr. v. OMSL, No. 06-MSRC-027: (Hazard): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: CONCLUDED** – Appeal withdrawn and suspension rescinded on Aug. 22, 2006.
35. Gary V. Planck v. OMSL, No. 06-MSRC-028: (Harlan): Petition for appeal for certification suspension due to reported violation of drug-free status. **STATUS: CONCLUDED** – Appeal withdrawn and suspension rescinded on Sept. 18, 2006.
36. OMSL v. Keith Collins, Ronald Bartley and James Hager, No. 06-MSRC-008: (Pikeville): Agency action against named defendants for 66 violations including no foreman on site, untrained miners, fan stopped improperly, no firefighting equipment, no self-rescuers, electrical malfunctions and mechanical malfunctions. **STATUS: ACTIVE** – Probable cause determined by the commission on April 13, 2006. On June 8, 2006, the commission approved a settlement agreement with Collins probating his mine foreman and electrical licenses for 18 months. A final order was entered by the commission on July 13, 2006, approving a settlement agreement between OMSL and Ronald Bartley. Bartley's mine foreman, drill operators, electrical workers, gas detection, MET and shot firer solid blasting certificates were probated for one year. Further, Bartley has to complete eight hours of training.
37. OMSL v. Charles Manuel and Estill Johnson, No. 06-MSRC-009: (Martin): Filed March 17, 2006. Pill found in Johnson's possession. Smoking material found underground. Electrical problems as well as brake problems were found on scoop. **STATUS: ACTIVE** – Probable cause determined by the commission and trial is set for July 13, 2006. Defendants filed discovery request on April 19, 2006. OMSL moved to dismiss complaint. On June 8, 2006, the commission granted OMSL's motion to dismiss complaint due to further investigation revealing the allegations not being substantiated.
38. OMSL v. Gary Simpson, Shannon Hurt, Arvil Campbell and Tim Brock, No. 06-MSRC-012: (Hazard): Filed April 14, 2006. Agency action against defendants for 22 violations. Electrical and mechanical malfunctions, no pre-shift exam, and not following roof control plan. **STATUS: ACTIVE** – Probable cause determined by the commission on May 11, 2006. A final order was entered by the commission on July 13, 2006, approving settlement agreement between OMSL and Gary Simpson. Simpson's underground mine foreman's certificate was probated for six months. A final order was entered by the commission on July 13, 2006, approving settlement agreement between OMSL and Arvil Campbell. Campbell's underground mine foreman certificate was probated for six months. Further, Campbell has to take eight hours of specialized training at the Hazard office. On July 13, 2006, the commission granted OMSL's motion for default between OMSL and Shannon Hurt. Hurt's electrical worker's certificate was suspended for six months. Hurt's surface and underground miner certificates were probated for one year. Further, Hurt will be required to take eight hours of special training from OMSL's Hazard office. A final order was entered by the commission on Aug. 11, 2006, approving a settlement agreement between OMSL and Brock. Brock's mine foreman certificate was probated for six months. Further, Brock will be required to take eight hours of special training from OMSL's Hazard office. Campbell – Training Completed: **Yes – June 30, 2006.**
39. OMSL v. Robert Smith, No. 06-MSRC-013: (Hazard): Filed April 14, 2006. Agency action against defendant for 16 violations. Smith failed to properly conduct pre-shift exam resulting in serious nonfatal accident report, inadequate ventilation controls. **STATUS: ACTIVE** – Probable cause determined by the commission on May 11, 2006. A final order was entered by the commission on Sept. 14, 2006, approving a settlement agreement between OMSL and Smith. Smith's mine foreman's certificate, gas detection certificate, shot fire solid blasting certificate, shot firer conventional certificate and drill operator certificate were revoked for two years. Smith's underground miner's certificate was probated for two years. Further, Smith must take eight hours of special training at the Hazard district office.
40. OMSL v. Moore & Rutherford, No. 06-MSRC-015: (Harlan): This action was brought against the mine superintendent and foreman for various violations arising from the Stillhouse Mining double fatality roof fall in August 2005. The violations pertain to failures to adequately train personnel in the retreat mining plan and allowing work to continue under dangerous conditions. **STATUS: ACTIVE** – Probable cause determined by the commission on May 11, 2006. On motion of defendants case has been placed in abeyance pending a MSHA 110(c) investigation. Status report due Dec. 11, 2006.
41. OMSL v. Ray Lamb, Docket No. 06-MSRC-002 (Harlan): Action brought by agency against foreman for three violations cited by MSHA. **STATUS: ACTIVE** – Seeking revocation and probation of certifications. Probable cause determination on March 9, 2006. Hearing originally set for May 11, 2006. Hearing has been continued to Nov. 9, 2006.



Kentucky Mine Safety Review Commission

Pending MSRC Cases—Continued

42. **OMSL v. Kevin R. Yonts and Sonny Ward**, Docket No. 06-MSRC-003 (Martin) filed: Feb. 23, 2006. Subject: KDMM inspector conducted an investigation of underground coal mine, followed by two other inspections within the next few weeks. Numerous unsafe conditions/violations were found, many of which placed miners in imminent danger of death or serious injury; e.g., cutting machine with exposed wiring, scoops with inoperable methane monitors and parking brakes, no test holes, absence or damaged roof bolts, cable crossing conveyor without conduit, failure to properly store flammable materials, producing coal over a closure order, etc. The violations were the responsibility of the superintendent Yonts and section foreman Ward. STATUS: ACTIVE - Probable cause found March 9, 2006. Motion to dismiss filed by Yonts and overruled by the commission on April 13, 2006. Both Yonts and Ward have responded to the complaint, and initial discovery has been completed. It is anticipated that Yonts will take pre-hearing depositions. An evidentiary hearing is currently scheduled for Dec. 14, 2006.
43. **OMSL v. Phillip Short and Billy Ray McCoy**, No. 06-MSRC-005 (Pikeville): Agency action against named defendants for violations relating to serious electrical accident. Seeking suspensions and probation of certificates. STATUS: ACTIVE - Probable cause found on Mar. 9, 2006. Answer filed. Hearing originally set for May 11, 2006. Hearing continued - status report due Dec. 15, 2006.
44. **OMSL v. Rick Fouts**, No. 06-MSRC-006 (Hazard): Action brought by agency against foreman for method of mining violation involving fatality. STATUS: CONCLUDED - Seeking suspension of foreman certification and probation of other certifications. Probable cause determination on March 9, 2006. A final order was entered by the commission on Sept. 14, 2006, approving a settlement agreement between OMSL and Fouts. Fouts' underground mine foreman certificate was suspended for one year. Fouts' underground miner's certificate, EMT certificate, gas detection certificate, and shot firer certification were put on probation for one year. Further Fouts will be required to take eight hours of special training from OMSL at its Hazard district office.
45. **OMSL v. Alger B. Jent, Jerry D. Morgan and James E. Byrd**, Docket No. 05-MSRC-005 filed: Mar. 9, 2005. Subject: OMSL inspectors conducted a High Impact Safety Awareness ("HISA") inspection of underground coal mine in response to complaint; numerous unsafe conditions/violations were found, including seven which placed miners in imminent danger of serious injury or death; e.g., an adequate pre-shift examination for hazardous conditions had not been performed; a crosscut was mined into an unsupported entry; extended continuous miner cuts had not been roof-bolting; various other areas of the mine had unsupported mine roof; miners had worked under unsupported roof; electrical circuits were "bridged out", thus defeating a critical safety feature; cigarette butts were found underground STATUS: ACTIVE - MSRC found probable cause against all defendants on Apr. 15, 2005; MSRC approved OMSL's settlement agreement with Morgan: electrician's certificate placed on probation for one year, effective Mar. 23, 2005; must take electrical training from OMSL's chief electrical inspector; must re-take and pass Kentucky electrical examination within 120 days or electrical card will be suspended until he passes exam. Settlement agreement approved by the commission on Sept. 14, 2006. Jerry Morgan - Training completed - YES. Passed Exam - April 26, 2006. James Byrd - passed exam - Feb. 23, 2006.
46. **OMSL v. Hobert Hoskins and Rodney Morgan**, Docket No. 05-MSRC-007 filed: Apr. 8, 2005. Subject: company's approved roof control plan allowed maximum continuous miner cuts of 20 feet; MSHA inspectors found a crosscut cut 43 feet deep, which exposed miners to imminent danger of serious injury or death; Hoskins was the section foreman and Morgan operated the continuous miner; STATUS: ACTIVE - MSRC found probable cause against both defendants on Apr. 14, 2005; OMSL has entered into settlement agreement with Morgan approved by the commission on Nov. 11, 2005, wherein his underground miner's certificate was probated for one year from that date; the commission entered a default judgment against Hoskins on Nov. 11, 2005, that is currently on appeal to Franklin Circuit Court. Hobert Hoskins - Suspension completed: Yes - Jan. 9, 2006.
47. **OMSL v. Homer Sams, Lonnie Rice, Delmas Jackson and Floyd Hibbard**, No. 05-MSRC-009 (Barbourville): Electrical inspections revealed numerous unsafe conditions/violations in the Century Operations No. 4 Mine. Most of the more than 20 violations involved improper alterations of circuits that disabled important safety equipment. STATUS: ACTIVE - Probable cause determined on Sept. 8, 2005. Answers filed by respondents. Settlement terms have been proposed without resolution. Hearing on motion for approval of settlement agreement for Sams and Jackson is to be held on Aug. 10, 2006. Motion by respondents counsel to withdraw as counsel of record for Rice and Hibbard was granted on July 13, 2006. Evidentiary hearing for Rice and Hibbard set for Sept. 14, 2006. Motions to withdraw and substitute counsel for all respondents granted by commission. Settlement agreement hearing taken off the docket, but still under submission. Hearing date now set for Dec. 14, 2006.
48. **OMSL v. Darrell Banks, Onis R. Smith and Conley Horn**, No. 05-MSRC-010 (Martin): Referral of case from MSHA. Inspection by MSHA found smoking materials in the area of active mining. Those miners to whom the materials belonged have been cited and the foreman was cited for failure to conduct a proper search. STATUS: ACTIVE - Probable cause determined on Sept. 8, 2005. Answers filed by respondents. The case is being held in abeyance pending the conclusion of a federal investigation. Status report is due in Dec. 11, 2006.
49. **OMSL v. Simon Ratliff**, Docket No. 05-MSRC-004 filed: February 24, 2005. Subject: mine superintendent, whose underground mine foreman's certificate was on probation for previous offense (see No. 03-MSRC-008) committed numerous violations: he required miners under his supervision to work under unsafe conditions (no brakes on equipment; ATRS on roof bolting machine would not reach mine roof); discharged four miners for making safety complaints; after miners were reinstated, he discharged them again for filing safety discrimination complaints with MSHA; falsified preshift examination record; attempted to impede federal investigation by instructing miner to lie to MSHA investigators; and repeatedly violated the terms of his probation from prior case STATUS: ACTIVE - MSRC found probable cause on April 14, 2005; MSRC allowed three of the miners discharged by Ratliff to intervene on a limited basis. Trial held on March 9, 2006. Order entered June 8, 2006. Underground miner's certification probated one year. Underground mine foreman certificate revoked for two years, with requirement to retake and pass the mine foreman's exam. An appeal of the commission's order was filed in Franklin Circuit Court July 10, 2006.
50. **OMSL v. Willie Sizemore, Jimmy Morgan and Floyd Hibbard**, No. 04-MSRC-002 (Barbourville): Mine superintendent and two section foremen for mine subjected to HISA inspection were held responsible for numerous violations found during the inspection and a follow-up inspection. STATUS: ACTIVE - Morgan and Hibbard entered settlement agreements for suspension, probation and retesting. Hearing for Sizemore was held July 14, 2005. Commission entered final order on Sept. 8, 2005 and ordered suspension of foreman's card and suspension of miner's card for seven days, along with retraining and retesting requirements. Sizemore has filed an appeal of the commission's finding in Franklin Circuit Court. He alleges that the order is unsupported and that the statutes and regulations are unconstitutional. Motion to dismiss filed by commission, answer filed by OMSL. Jimmy Morgan - Suspension completed: Yes - Sept. 21, 2004. Training completed: Yes - May 24 & May 25, 2004. Floyd Hibbard - Probation completed: Yes - Mar. 16, 2005. Training Completed: Yes - Mar. 31, 2006.



Final Orders/Sanctions of the Mine Safety Review Commission, dated back to 2002, can be found at www.msrc.ky.gov

Mine Rescue

Eastern Kentucky Holmes Mine Rescue, First Aid, Bench and Preshift Contest August 23—24, 2006 Allen, Kentucky

This contest is sponsored by East Kentucky Holmes Association. The council president is Stewart Bailey. Training exercise problems are designed and judged by state and federal mine safety agencies. Thank you to all participants, individuals and companies that participated in this year's contest.

Results of the East Kentucky Safety Days Contest for 2006 are as follows:

Mine Rescue

- 1st—Consol Buchanan
- 2nd—Consol of Kentucky
- 3rd—Paramount Coal

Pre-Shift

- 1st—Jeff Clark—KenAmerican Resources
- 2nd—Nathan Mounts—Massey Energy East Kentucky
- 3rd—Charles Conn—Massey Energy East Kentucky

First Aid

- 1st—Lone Mountain Processing
- 2nd—Premier Elkhorn

Bench BG-4

- 1st—Freeman Crosby—Lone Mountain Processing
- 2nd—Mike Jude—Massey Energy

Bench 174-A

- 1st—Greg Brashears—Lone Mount Processing
- 2nd—John Click—Massey Energy Southern West Virginia



Mine Rescue

2006 Kentucky State Safety Contests On behalf of the Kentucky Office of Mine Safety and Licensing Kentucky Mining Institute's 67th Annual Meeting Sept. 7—8, 2006 Lexington, Kentucky

Competitors for this event came from Kentucky, West Virginia, Colorado, Pennsylvania and Virginia. This contest proved to be a great success, and we appreciate the work done by all of the judges and competitors.

Results of the Kentucky State Safety Contests for 2006 are as follows:

Mine Rescue

- 1st—The American Coal Company, Galatia Mine
- 2nd—Consol of Kentucky Inc.
- 3rd—Indiana State Team

Pre-Shift

- 1st—Jeff Clark—KenAmerican Resources
- 2nd—Dave Shackleford—Lone Mountain Processing
- 3rd—David Mackey—KenAmerican Resources
- 4th—Charles A. Conn—Massey Energy
- 5th—Tim Gooden—Lone Mountain Processing

Bench BG-4

- 1st—Drummond Coal, Inc. Shoal Creek—Larry McDonald
- 2nd—Consolidated Coal, Buchanan Mine “B” Team—Keith Richardson
- 3rd—Eastern Associated Coal, Southern Appalachia—Dave Blankenship

Bench 174-A

- 1st—The American Coal Company, Galatia Mine—Joe Myers
- 2nd—Drummond Company, Inc. Shoal Creek—Tim Stockman
- 3rd—Consol of PA, Bailey Team—Gene Menozzi

Bench Biopak

- 1st—Highland Mining Company, Highland #9 Team, Scott Milligan
- 2nd—Highland Mining Company, Highland #9 Team, Francis French
- 3rd—Bluegrass Coal Company, Bluegrass Mine Rescue—Dwight Baker



Mine Rescue Contest Results



The **West Kentucky Mining Institute** sponsored a mine rescue contest this past May in Madisonville, Kentucky. Judging was by MSHA and the Kentucky Office of Mine Safety and Licensing personnel. The contest winners are as follows:

- Mine Rescue: 1st—Indiana State Team, Vincennes, Indiana
 2nd—Drummond Company Inc., Shoal Creek, Jasper, Alabama
 3rd—Warrior Coal LLC, Cardinal Team, Madisonville, Kentucky
 4th—Gibson County Coal, Princeton, Indiana
 5th—White County Coal LLC, Pattiki, Carmi, Illinois
- Bench Biopak: 1st—Highland Mining Company, Highland Mine, Morganfield, Kentucky
 2nd—Bluegrass Coal Company, Bluegrass Mine Rescue Team, Clay, Kentucky
- Bench BG 174A: 1st—KenAmerican Resources Inc., Paradise #9 Mine, Central City, Kentucky
 2nd—Drummond Company Inc., Shoal Creek, Jasper, Alabama
- Bench BG 4: 1st—Drummond Company Inc., Shoal Creek, Jasper, Alabama
 2nd—Jim Walter Resources, JWR Mine #5, Brookwood, Alabama
- Preshift: 1st—KenAmerican Resources Inc., Paradise #9 Mine, Central City, Kentucky
 2nd—Dodge Hill Mining Company, LLC, Sturgis, Kentucky
 3rd—KenAmerican Resources Inc., Paradise #9 Mine, Central City, Kentucky
- Mine Rescue/First Aid Combination: 1st—Warrior Coal LLC, Cardinal Team, Madisonville, Kentucky
- First Aid: 1st—Bluegrass Coal Company, Bluegrass Mine Rescue Team, Clay, Kentucky
 2nd—Warrior Coal LLC, Cardinal Team, Madisonville, Kentucky

Manchester Safety Days Contest

This mine rescue contest, held in Manchester, Kentucky, was a two-day event. The contest results are as follows:

- First day finishing results: 1st—James River Coal Corporation #1 Team
 2nd—Consol of Kentucky
 3rd—James River Coal Corporation #2 Team
- Second day finishing results: 1st—Consol of Kentucky
 2nd—James River Coal Corporation #1 Team
 3rd—Bluegrass Coal Company
- Final finishing results: 1st—Consol of Kentucky
 2nd—James River Coal Corporation #1 Team
 3rd—Bluegrass Coal Corporation
- First Aid Competition: 1st—Bluegrass Coal Company—Bluegrass B
 2nd—Lone Mountain Processing
 3rd—Bluegrass Coal Company—Bluegrass A
- Bench BG-174 Competition: 1st—KenAmerican Resources
 2nd—Lone Mountain Processing
 3rd—Bluegrass Coal Company
- Bench BG-4 Competition: 1st—Lone Mountain Processing—Cosby Team
 2nd—Lone Mountain Processing—Brashears Team
 3rd—Consol of Kentucky
- Pre-Shift Contest Competition: 1st—KenAmerican Resources—Clark Team
 2nd—KenAmerican Resources—Mackey Team
 3rd—KenAmerican Resources—Hendrix Team



The People of OMSL

Kristie Shelley
Frankfort Office

Kristie Sasby Shelley is from Bourbon County, Kentucky. She is married to Jay and they are currently hosting a 16-year-old exchange student from Finland who is attending Bourbon County High School.

Kristie graduated from Bourbon County High School and Western Kentucky University where she received a Bachelor of Science in Agriculture.

Kristie began working for the Department of Mines and Minerals during the summer months when she was home from college back in 1981. In Oct., 1989, she began working full-time in the Oil and Gas Division. She now works in the Office of Mine Safety and Licensing in the Division of Training and Education. All together she has been working in state government for 17 years.

She is very active in her church and with the high school girl's basketball and softball programs in her community.

Kristie likes to paint, scrapbook and do counted cross-stitch in her spare time.

Thank you, Kristie, for your years of service to the Commonwealth.



OMSL News

Underground Mine Mapping Regional Workshop

The Kentucky Environmental and Public Protection Cabinet (EPPC), the Department for Natural Resources, the Office of Mine Safety and Licensing and Interstate Mining Compact Commission (IMCC) sponsored an Underground Mine Mapping Regional Workshop on Aug. 29, 2006, in Frankfort. Eighteen representatives from New Mexico, Virginia, West Virginia, Ohio, Indiana and Alabama attended along with staff from the Kentucky Office of Surface Mining. The purpose of the workshop was to provide hands-on training on Kentucky's Mine Mapping Initiative process— map preparation, scanning, colormapping, georeferencing and Web deployment. The workshop included presentations of the automated processes developed by EPPC GIS personnel, Bryan Bunch, and information sharing for future steps in national mine mapping initiatives. Presenters included Bryan Bunch, John Hiatt, Tom Schubert, Kent Anness, Kim Anness and Linda Potter.

For further information, please contact Linda Potter at linda.potter@ky.gov



Kentucky Blasting Conference

December 7—8, 2006
Heritage Hall and the Hyatt
Regency Hotel
Lexington, Kentucky

The 33rd Annual Kentucky Blasting Conference is a nationally recognized technical conference attracting over 600 attendees representing all parts of the industry. Topics related to all aspects of the industry are presented.

The conference has been approved as meeting the requirements for up to nine hours of blaster retraining.

The Kentucky Blasting Conference is co-sponsored by the Bluegrass Chapter and the Tri-state Chapter of the International Society of Explosive Engineers.

For further information or for registration, please go to www.kyblastingconference.com





The East Kentucky State Fair



The East Kentucky State Fair was held Aug. 9—11, 2006, in Prestonsburg, Kentucky. The Office of Mine Safety and Licensing was proud to have representatives and a display at the fair. OMSL displayed mining memorabilia and coal mine rescue equipment from days past to equipment that is in use today. Many area residents stopped by the booth and visited with staff members and viewed the exhibits. There were many questions from citizens regarding current mining methods and the use of mining and rescue equipment.

The Office of Mine Safety and Licensing is dedicating to protecting our most valuable resource in mining—the coal miner.

Command Center Training Sept. 24—25, 2006

Command Center Training was conducted at the OMSL Hazard Office. The training was conducted by the Barbourville Office personnel with Rick Johnson, district supervisor, coordinating the event. Several of the local coal companies participated in this training session. The training objective for OMSL is to better prepare all OMSL personnel and coal company officials for quality and quick mine emergency responses. This type of training, according to Ronnie Hampton, Harlan district office supervisor, was a contributing factor in OMSL's response at Kentucky Darby Mine where one miner was rescued due to the quick actions of OMSL mine rescue teams. The need for this training is better explained by a miner who remarked recently during a mine safety meeting with an OMSL representative, "It's comforting just to know that you guys will be there if something like that happens here."

*Written by Ron Hughes,
Director
Division of Investigations*



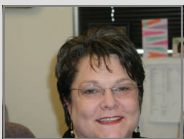
Division of Explosives and Blasting Report

Flyrock Incident—Shepherdsville, Kentucky

On July 27, 2006, HTA Enterprises of Louisville, Kentucky detonated a blast in Shepherdsville, Kentucky off of Highway 44 that resulted in flyrock striking a vehicle through the windshield while it was driving down the roadway. Luckily, neither the driver nor the two small children in the vehicle were injured. Explosives and Blasting Inspector, Matt Lacy, investigated the incident and determined that the blaster failed to stop traffic for a blast that was within 800 feet of a public roadway, a violation of state regulations. HTA Enterprises was cited for the incident and the blaster's license has been suspended.

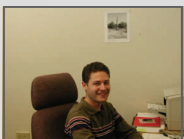


OMSL New Frankfort Office Employees



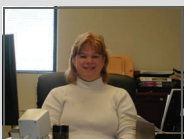
Gail Perry—Personnel Specialist

I have worked for state government for 25 years; eight years with the Department of Corrections, Kentucky Correctional Industries; 12 years with the Legislative Research Commission. While with LRC, I worked for the Judiciary Committee, Business Organizations & Professions Committee, Small Business Task Force, and the Transportation Committee. In addition, I worked for Budget Review and the Personal Service Contract Committee. I worked four years with the Engineer and Land Surveyor Board and one year with Health Services. I have a 28-year-old son and a 6-year-old niece that is like a granddaughter to me. I enjoy art, gardening and reading.



Joe Williams—Acting Director, Explosives and Blasting Division

I am 23 years old and from Batavia, Illinois about an hour west of Chicago. I graduated from Eastern Kentucky University in May 2005 with a degree in Fire, Arson and Explosion Investigation. I am currently a certified fire and explosion investigator through National Association of Fire Investigators (NAFI). I moved to Louisville after graduating and was hired by the Kentucky Division of Explosives and Blasting as an inspector in August 2005. I have been working as acting director since the retirement of Coleman England. I have recently become engaged to be married in May, 2007.



Jenifer Harrison—Executive Secretary to Executive Director

I have worked for the past three years with the Legislative Research Commission. I worked with Administrative Regulations and with the Office of Budget Review where I handled two separate committees—Justice and Judiciary and General Government Public Protection and Finance. I came to work with OMSL on August 16, 2006, as the executive secretary to the acting executive director. My hobbies include reading and remodeling my old home.



Barry Glass—Program Coordinator, Division of Explosives and Blasting

I have worked in the Department for Natural Resources for 21 years. I worked 14 years in the Division of Mine Permits and seven years in the Division of Mine Reclamation and Enforcement. I currently live in Spencer County and farm in the Mt. Eden area of Shelby County. I have two great boys that are six and nine years old. I am glad to be working with such nice and helpful folks.

Mine Equipment Review Panel

Senate Bill 200 established the Mine Equipment Review Panel. The work of this panel will be very important in evaluating and identifying communication technologies, mine rescue equipment technology and other technologies that could improve mine safety. The panel conducted its first meeting on July 31, 2006, in the Frankfort Office of Mine Safety and Licensing and has held four meetings to date.

The panel consists of:

- Bob Hardman, MSHA District 6 (MSHA representative)
- Mark Watson, Alliance Coal LLC (coal industry representative)
- Edgar (Butch) Oldham, UMWA (UMWA representative)
- Dr. Joseph Sottile, U.K. (UK Dept. of Mining Engineering representative) and
- Johnny Greene, acting executive director of OMSL.

Larry Adams, executive director, Office of Administrative and Technical Services, serves as meeting facilitator.

The legislation also provided for membership by the National Institute for Occupational Safety and Health, which has been invited to designate a representative. The panel is currently gathering information to formulate a final report that will provide recommendations to the coal industry.



Panel members at first meeting.



Kennedy Chamber—Mine Rescue Chamber

T.J. Pitzer, Draeger Safety, Inc.; Bob Hardman, MSHA; Bill Barnwell, MSHA

Inside the Kennedy Chamber—Mine Rescue Chamber

T.J. Pitzer, Draeger Safety, Inc. demonstrating quick fill station SCBA

